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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

NEIL C. ANDRUS,

Plaintiff(s),

v.

D.R. HORTON, INC.,

Defendant(s).

2:12-CV-98 JCM (VCF)

**ORDER**

Presently before the court is Magistrate Judge Ferenbach's report and recommendation that defendant D.R. Horton, Inc.'s motion to compel arbitration (doc. # 12) and motion to stay proceedings (doc. # 13) without prejudice to plaintiff Neil C. Andrus pursuing his arguments against arbitrability before the arbitrator be granted. (Doc. # 34). No objections to the report and recommendation have been filed.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate

1 judge's report and recommendation where no objections have been filed. *See United States v.*  
2 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir.2003) (disregarding the standard of review employed by the  
3 district court when reviewing a report and recommendation to which no objections were made); *see*  
4 *also Schmidt v. Johnstone*, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's  
5 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any  
6 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's  
7 recommendation, then this court may accept the recommendation without review. *See e.g.*,  
8 *Johnstone*, 263 F.Supp.2d at 1226 (accepting, without review, a magistrate judge's recommendation  
9 to which no objection was filed).

10 Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
11 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation,  
12 the hearing transcript, and the underlying briefing on the motions, this court finds good cause to  
13 adopt the magistrate's findings in full.

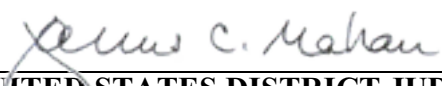
14 Accordingly,

15 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and  
16 recommendation of Magistrate Judge Ferenbach granting defendant D.R. Horton, Inc.'s motion to  
17 compel arbitration (doc. # 12) and motion to stay proceedings (doc. # 13) without prejudice to  
18 plaintiff Neil C. Andrus pursuing his arguments against arbitrability before the arbitrator be granted  
19 (doc. # 34) be, and the same hereby is, ADOPTED in its entirety.

20 IT IS FURTHER ORDERED that defendant D.R. Horton, Inc.'s motion to compel arbitration  
21 (doc. # 12) be, and the same hereby is, GRANTED.

22 IT IS FURTHER ORDERED that defendant D.R. Horton, Inc.'s motion to stay proceedings  
23 (doc. # 13) be, and the same hereby is, GRANTED.

24 DATED November 29, 2012.

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27 **UNITED STATES DISTRICT JUDGE**  
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